Exhibit K36

1   IN THE UNITED STATES DISTRICT COURT

2   EASTERN DISTRICT OF VIRGINIA

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4   SONY MUSIC ENTERTAINMENT, et al.,

5   Plaintiffs,
                            CASE NO:
6   vs.   1:19-cv-00950-LO-JFA

7   COX COMMUNICATIONS, et al.,

8   Defendants.

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12   HIGHLY CONFIDENTIAL ATTORNEY'S EYES ONLY

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14   *   *   *   *   *   *   *   *

15   The videotaped deposition of

16   CLINT SUMMERS was taken before Greta H.

17   Duckett, Certified Court Reporter,

18   Registered Professional Reporter, and

19   Certified Realtime Reporter, as

20   Commissioner, on Wednesday, May 8, 2019,

21   commencing at approximately 1:03 p.m., at

22   the Le Meridien Atlanta Perimeter,

23   111 Perimeter Center West, Atlanta, Georgia.

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 1                  MS. GOLINVEAUX:  Object to

 2           the form.

 3           A. Peer-to-peer from a volume

 4   perspective --

 5           Q. Yes, sir.

 6           A. -- is not a

 7   bandwidth-intensive application.

 8           Q. What applications use more

 9   bandwidth than peer-to-peer activity?

10           A. Video.

11           Q. Anything else besides video

12   that you can think of?

13                  MS. GOLINVEAUX:  I would just

14           ask the witness to let counsel

15           fully finish his question so we

16           have a clear record.

17                  THE WITNESS:  Okay.

18   BY MR. ZEBRAK:

19           Q. I'll ask it again.  Apart from

20   downloading or streaming video, can you name

21   an online activity that uses more data

22   besides video?

23                  MS. GOLINVEAUX:  Object to

24           the form.

25           A. Possibly gaming.
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 1   Q. Okay. What about -- what

 2   about in terms of the volume of upstream

 3   activity? Could you break down the top one

 4   or two most data-intensive activities in

 5   that category?

 6   A. On the upstream, video. TCP

 7   acknowledgements are -- represent a

 8   significant volume. And I think that file

 9   sharing uploads are probably still on the

10   upstream -- they represent a significant

11   amount.

12   Q. And let me focus you on the

13   2012 to 2014 time frame. Would your answer

14   to that question be any different in that

15   period versus now?

16   MS. GOLINVEAUX: Object to

17   the form.

18   BY MR. ZEBRAK:

19   Q. Let me ask the question a

20   little easier. In the 2012 to 2014 time

21   frame, what were the top couple most

22   data-intensive activities from an upstream

23   perspective on Cox's network?

24   MS. GOLINVEAUX: Object to

25   the form.

1   meant in the LiveView tool when the Procera

2   tool applies to a given market that the

3   subscriber falls within, Cox can see the

4   traffic type for the user's activities,

5   correct?

6   A. Correct.

7   Q. And by traffic type, one

8   traffic type, for example, is peer-to-peer

9   file sharing, correct?

10   A. Correct.

11   Q. So in that instance, Cox could

12 look to see whether a subscriber already

13 identified in infringement notices was

14 continuing to engage in peer-to-peer file

15 sharing, correct?

16   MS. GOLINVEAUX: Object to

17   the form.

18   A. So it gets into -- BitTorrent

19 is used for other things, right? So if you

20 identify a subscriber and -- simply by

21 opening up LiveView and saying he's doing

22 BitTorrent, therefore, that BitTorrent must

23 be illegal file sharing, that would be

24 incorrect.

25   Q. But can we at least agree